



S/N 10/675,818

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: KNUDSON ET AL. Examiner: REIDEL, J.  
Serial No.: 10/675,818 Group Art Unit: 3766  
Filed: SEPTEMBER 29, 2003 Docket No.: 14283.1US12  
Title: ENTERIC RHYTHM MANAGEMENT

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 October 25, 2006.

By:   
Name: Elizabeth Tauer

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT (37 C.F.R. § 1.97(c))

Mail Stop AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

With regard to the above-identified application, the items of information listed on the enclosed Form 1449 are brought to the attention of the Examiner.

This statement should be considered because it is submitted after the mailing date of a first Office Action on-the-merits or a first Office Action after filing a Request for Continued Examination under 37 C.F.R. § 1.114 or a CPA under 37 C.F.R. § 1.53(d), but before the mailing date of: i) a final action under 37 C.F.R. § 1.113; ii) a Notice of Allowance under 37 C.F.R. § 1.311; or iii) an action that otherwise closes prosecution on the application. Enclosed is a check in the amount of \$180.00 under 37 C.F.R. § 1.17(p) for consideration of the items listed on the enclosed Form 1449.

In accordance with 37 C.F.R. § 1.98(a)(2) and § 1.98(d), copies have been provided only for those items listed on the enclosed Form 1449 that have not previously been cited by or submitted to the U.S. Patent and Trademark Office in parent application, U.S. Serial No. 10/358,093 filed on February 3, 2003.

No representation is made that a reference is "prior art" within the meaning of 35 U.S.C. §§ 102 and 103 and Applicants reserve the right, pursuant to 37 C.F.R. § 1.131 or otherwise, to

establish that the reference(s) are not "prior art." Moreover, Applicants do not represent that a reference has been thoroughly reviewed or that any relevance of any portion of a reference is intended.

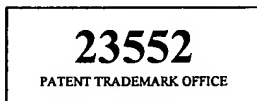
Consideration of the items listed is respectfully requested. Pursuant to the provisions of M.P.E.P. 609, it is requested that the Examiner return a copy of the attached Form 1449, marked as being considered and initialed by the Examiner, to the undersigned with the next official communication.

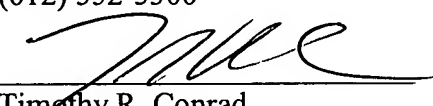
Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

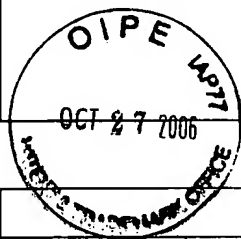
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Date: 10/25/06



  
Timothy R. Conrad  
Reg. No. 30,164  
TRC:bt

<b>FORM 1449*</b> <b>INFORMATION DISCLOSURE STATEMENT</b>  <b>IN AN APPLICATION</b> (Use several sheets if necessary)	Docket Number: 14283.1US12	Application Number: 10/675,818
	Applicant: KNUDSON ET AL.	
	Filing Date: September 29, 2003	Group Art Unit: 3766



U.S. PATENT DOCUMENTS						
EXAMINER INITIAL	DOCUMENT NO.	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	5,199,430	04/06/1993	Fang et al.			
	5,423,872	06/13/1995	Cigaina			
	5,514,175	05/07/1996	Kim et al.			
	6,341,236	01/22/2002	Osorio et al.			
	6,369,079	04/09/2002	Rubin et al.			
	2003/0018367 A1	01/23/2003	DiLorenzo			
	6,558,708	05/06/2003	Lin			
	2003/0212440 A1	11/13/2003	Boveja			
	2004/0167583 A1	08/26/2004	Knudson et al.			
	2004/0176812 A1	09/09/2004	Knudson et al.			
	2004/0249416 A1	12/09/2004	Yun et al.			
	2005/0038484 A1	02/17/2005	Knudson et al.			
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	2005/0070970 A1	03/31/2005	Knudson et al.			
	6,895,278	05/17/2005	Gordon			
	6,928,320	08/09/2005	King			
	6,993,391	01/31/2006	Flesler et al.			
	7,076,307	07/11/2006	Boveja et al.			

FOREIGN PATENT DOCUMENTS							
	DOCUMENT NO.	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
						YES	NO

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.

<b>FORM 1449*</b> <b>INFORMATION DISCLOSURE STATEMENT</b>  <b>IN AN APPLICATION</b>  (Use several sheets if necessary)	Docket Number: 14283.1US12	Application Number: 10/675,818
	Applicant: KNUDSON ET AL.	
	Filing Date: September 29, 2003	Group Art Unit: 3766

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		
Copy submitted in parent Application Serial No. (if blank, submitted herewith)		
	10/358,093	Beglinger et al., "Postprandial Control of Gallbladder Contraction and Exocrine Pancreatic Secretion in Man", Euro. J. of Clinical Investigation, pp. 827 – 834 (1992)
	10/358,093	Bell, et al., "The Interplay between Hydrogen Ions, Bicarbonate Ions and Osmolality in the Anterior Duodenum Modulating Gastric Function in the Conscious Calf", J. Physiol., pp. 331 – 341 (1981)
	10/358,093	Benini, "Gastric Emptying and Dyspeptic Symptoms in Patients with Gastroesophageal Reflux", Amer. J. of Gastroenterology, pp. 1351 – 1354 (1996)
	10/358,093	Benini, et al., "Omeprazole Causes Delay in Gastric Emptying of Digestible Meals", Digestive Diseases and Sciences, pp. 469 – 474 (1996)
	10/358,093	Berthoud et al., "Characteristics of Gastric and Pancreatic Responses to Vagal Stimulation with Varied Frequencies: Evidence for Different Fiber Calibers?", J. Auto. Nervous Sys., pp. 77 – 84 (1987)
	10/358,093	Bourde, et al., "Vagal Stimulation: II. Its Effect on Pancreatic Secretion in Conscious Dogs", Annals of Surgery, pp. 357 – 364 (1970)
		Burneo, et al., "Weight Loss Associated With Vagus Nerve Stimulation", Neurology, Vol. 59, pp. 463 – 464 (August (1 of 2) 2002).
	10/358,093	Chey et al., "Neural Hormonal Regulation of Exocrine Pancreatic Secretion", Pancreatology, pp. 320 – 335 (2001)
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		Cigaina, "Gastric Pacing As Therapy For Morbid Obesity", Obesity Surgery, Vol. 12, Supplement, pp. 12S – 16S (2002).
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		Cyberonics, Inc. 2003 Form 10-K to Securities and Exchange Commission, pp. 1 and 10 as printed on May 23, 2006 from <a href="http://www.secinfo.com/dsvRu.23yb.htm">http://www.secinfo.com/dsvRu.23yb.htm</a> .
		D'Argent, "Gastric Electrical Stimulation: Preliminary Results", Obesity Surgery, Vol. 12, Supplement, pp. 21S – 25S (2002).
	10/358,093	DeVault KR, et al., "Updated Guidelines for the Diagnosis and Treatment of Gastroesophageal Reflux Disease", Am J Gastroenterol, (1999);94:1434-1442
	10/358,093	Estevão-Costa et al., "Delayed Gastric Emptying and Gastroesophageal Reflux: A Pathophysiologic Relationship", J. of Pediatric Gastroenterology and Nutrition, pp. 471 – 474 (2001)
		George, et al., "Vagus Nerve Stimulation Therapy", Neurology, Vol. 59 (Suppl 4) pp. S56 – S61 (2002).
	10/358,093	Grossi, et al., "Swallows, Oesophageal and Gastric Motility in Normal Subjects and in Patients with Gastro-Oesophageal Reflux Disease: a 24-H pH-Manometric Study", Neurogastroenterology and Motility, pp. 115 – 121 (1998)

EXAMINER	DATE CONSIDERED
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form for next communication to the Applicant.	

<b>FORM 1449*</b> <b>INFORMATION DISCLOSURE STATEMENT</b>  <b>IN AN APPLICATION</b>  (Use several sheets if necessary)	Docket Number: 14283.1US12	Application Number: 10/675,818
	Applicant: KNUDSON ET AL.	
	Filing Date: September 29, 2003	Group Art Unit: 3766

		Holst et al., "Nervous Control of Pancreatic Exocrine Secretion in Pigs", <u>Acta Physiol. Scand.</u> , Vol. 105, pp. 33 – 51 (1979).
	10/358,093	Hunt, "The Relationship Between The Control Of pH And Healing And Symptom Relief In Gastro-Oesophageal Reflux Disease", <u>Ailment Pharmacol Ther.</u> , 9 (Suppl. 1) pp. 3 – 7 (1995)
		ICD-10, "Classification of Mental and Behavioural Disorders", World Health Organization (1992), 2 pages, printed from <a href="http://www.mental-health-matters.com/disorders/dis_details">http://www.mental-health-matters.com/disorders/dis_details</a> .
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		Kosel, et al., "Beyond the Treatment of Epilepsy: New Applications of Vagus Nerve Stimulation in Psychiatry", <u>CNS Spectrums</u> , Vol. 8, No. 7, pp. 515 – 521 (July 2003).
	10/358,093	Long, M.S. editor, Chapter 3, "The Stomach", Gastrointestinal System, 2 <sup>nd</sup> Ed., Mosby Publisher, London (2002)
	10/358,093	Long, M.S. editor, Chapter 4, "The Liver and Biliary Tract", Gastrointestinal System, 2 <sup>nd</sup> Ed., Mosby Publisher, London (2002)
	10/358,093	Mabayo, et al., "Inhibition of Food Passage by Omeprazole in the Chicken", European J. of Pharmacology, pp. 161 – 165 (1995)
		Martin-Portugues, et al., "Histopathologic Features of the Vagus Nerve After Electrical Stimulation in Swine", <u>Histol Histopathol.</u> , Vol. 20, pp. 851 – 856 (2005).
		"Medical Care for Obese Patients", U.S. Department of Health and Human Services, National Institute of Diabetes and Digestive and Kidney Diseases, pp. 1 – 6, NIH Publication No. 03-5335, February 2003.
		Medical Encyclopedia: Anorexia Nervosa, U.S. National Library of Medicine and National Institutes of Health, pp. 1 – 3 (June 22, 2004) printed from <a href="http://www.nlm.nih.gov/medlineplus/print/ency/article/000362.htm">http://www.nlm.nih.gov/medlineplus/print/ency/article/000362.htm</a> , June 6, 2006.
		Netter, "Atlas of Human Anatomy", 3rd Ed., Plate 120, (Icon Learning Systems, New Jersey) (2003).
		"Obesity and Technology: Can the stomach be fooled", Reuters (April 26, 2006), 3 pages, <a href="http://news.yahoo.com/s/nm/20060426/us_nm/bizfeature_obesity_technology_de&amp;printer">http://news.yahoo.com/s/nm/20060426/us_nm/bizfeature_obesity_technology_de&amp;printer</a> as printed on May 23, 2006.
	10/358,093	Owyang, "Negative Feedback Control of Exocrine Pancreatic Secretion: Role of Cholecystokinin and Cholinergic Pathway", Symposium: Physiology of Cholecystokinin, American Institute of Nutrition, pp. 1321S – 1326S (1994)
	10/358,093	Rasmussen, et al., "A Double-Blind Placebo-Controlled Study on the Effects of Omeprazole on Gut Hormone Secretion and Gastric Emptying Rate", <u>Scand. J. Gastroenterol.</u> , pp. 900 – 905 (1997)
	10/358,093	Rösch et al., "Frequency-Dependent Secretion of Pancreatic Amylase, Lipase, Trypsin, and Chymotrypsin During Vagal Stimulation in Rats", <u>Pancreas</u> , pp. 499 – 506 (1990)
		Roslin, et al., "Vagus Nerve Stimulation in the Treatment of Morbid Obesity", Ch. 6 to <u>Vagus Nerve Stimulation</u> , 2 <sup>nd</sup> Ed., pp. 113-121 (Schlachter et al. ed., Martin Dunitz), 2003.

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	Applicant: KNUDSON ET AL.	
	Filing Date: September 29, 2003	Group Art Unit: 3766

		Roslin et al., "The Use Of Electrical Stimulation Of The Vagus Nerve To Treat Morbid Obesity", <u>Epilepsy &amp; Behavior</u> , Vol. 2, S11 – S16 (2001) at p. S13.
	10/358,093	Schapiro, et al., "Neurohypophyseal Regulation of the Exocrine Pancreas", <u>Amer. J. of Gastroenterology</u> , pp. 587 – 591 (1979)
		Shikora, "'What are the Yanks Doing' The U.S. Experience with Implantable Gastric Stimulation (IGS) for the Treatment of Obesity – Update on the Ongoing Clinical Trials", <u>Obesity Surgery</u> , Volume 14, Supplement, S40 – S48 (2004).
		Steinbrook, R., "Surgery for Severe Obesity", <u>New England J. Med.</u> , Vol. 350, pp. 1075 – 1079 (2004).
	10/358,093	Tiscornia et al., "Neural Control of the Exocrine Pancreas: An Analysis of the Cholinergic, Adrenergic, and Peptidergic Pathways and Their Positive and Negative Components 1: Neural Mechanisms", <u>Mount Sinai J. of Medicine</u> , pp. 366 – 383 (1987)
	10/358,093	Van Wijk HJ, et al., "Gastric Emptying and Dyspeptic Symptoms in the Irritable Bowel Syndrome", <u>Scand J Gastroenterol</u> , (1992);27:99-102

**23552**

PATENT TRADEMARK OFFICE

<b>EXAMINER</b>	<b>DATE CONSIDERED</b>
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S/N 10/675,818

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: KNUDSON ET AL. Examiner: REIDEL, J.  
Serial No.: 10/675,818 Group Art Unit: 3766  
Filed: SEPTEMBER 29, 2003 Docket No.: 14283.1USI2  
Title: ENTERIC RHYTHM MANAGEMENT

CERTIFICATE UNDER 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on October 25, 2006.

By:

Name: Elizabeth Tauer

STATEMENT OF RELATED CASES

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

The present application is one of a number of applications having, at least in part, common priority dates and disclosures. The status of these applications is set forth in the following table:

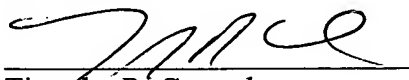
Attorney Docket No. (all with "14283" prefix	Serial No.	Filing Date	Priority Claim	Status
1US01	10/358,093	2/3/03	None	Abandoned for failure to respond to Office Action of 12/12/05
1USD1	11/450,202	6/9/06	Divisional of 10/358,093	Awaiting first Office Action
1USI1	10/674,330	9/29/03	CIP of 10/358,093	6/9/06 Office Action
1USI2	10/675,818	9/29/03	CIP of 10/358,093	4/26/06 Office Action
1USI3	10/674,324	9/29/03	CIP of 10/358,093	Amendment filed 9/19/06

1USI4	10/752,944	1/06/04	CIP of 10/674,330, 10/675,818, 10/674,324 and 10/358,093	Supplemental Amendment filed 8/30/06
1USI5	10/752,940	1/06/04	CIP of 10/674,330, 10/675,818, 10/674,324 and 10/358,093	Awaiting first Office Action
1USI6	10/756,166	1/12/04	CIP of 10/674,330, 10/675,818, 10/674,324, 10/752,944 and 10/752,940	7/06/06 Office Action
1USI7	10/756,176	1/12/04	CIP of 10/674,330, 10/675,818 and 10/674,324	6/12/06 Office Action
1US10	10/881,045	6/30/04	CIP of 10/674,324, 10/674,330, 10/675,818, 10/752,940, 10/752,944 and 10/358,093	5/16/06 Office Action
1US11	11/040,767	1/21/05	CIP of 10/881,045, 10/674,324, 10/674,330, 10/675,818, 10/752,940, 10/752,944 and 10/358,093	Awaiting first Office Action

Respectfully submitted,

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Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Date: 10/25/06

  
Timothy R. Conrad  
Reg. No. 30,164  
TRC:bt

